



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,836	10/26/2005	Hermann Wimmer	034691/291471	3762

826 7590 09/19/2006

ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

EXAMINER

MCCALL, ERIC SCOTT

ART UNIT	PAPER NUMBER
----------	--------------

2855

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/531,836

Applicant(s)

WIMMER, HERMANN

Examiner

Eric S. McCall

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 60-77 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 60-77 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/26/2005</u> . | 6) <input type="checkbox"/> Other: ____ |

TEST STAND FOR MOTOR VEHICLES

FIRST OFFICE ACTION

SPECIFICATION

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. The Applicant's cooperation is requested in correcting any errors of which the Applicant may become aware of in the specification.

CLAIMS

35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for

patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 60-66 are rejected under 35 U.S.C. 102(e) as being anticipated by Schoeninger (6,739,185).

With regards to claim 60, Schoeninger set forth a test stand for motor vehicles comprising:

- a mounting frame which defines a predetermined fixed point,
- a roller assembly mounted to the frame so as to permit at least slight movement in each of at least two degrees of freedom (col. 1, line 58 to col. 2, line 5), with said roller assembly comprising a rotatable contact surface positioned to support a rolling wheel of a motor vehicle (Fig. 3), and a drive for rotatably driving the contact surface (col. 5, lines 35-38), and
- sensor means for measuring the force that is operative between the roller assembly and the fixed point (col. 3, lines 17-24) as claimed.

With regards to claim 61, Schoeninger set forth a drive inherently configured to be braked since the removal of power to the drive will brake the drive.

With regard to claims 63 and 64, Schoeninger set forth the two degrees of freedom corresponding to movement in the travel direction and transverse to the travel direction.

With regard to claims 65 and 66, Figure 5 of Schoeninger suggests the claimed subject matter thereof.

35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 67-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schoeninger (6,739,185) in view of Muller (6,345,237).

With regards to claim 67, Schoeninger fail to teach the roller assembly comprising an endless belt extending about the peripheries of the two rollers as claimed.

However, the admitted prior art of Muller does set forth a roller assembly comprising an endless belt extending about the peripheries of two rollers.

As such, it would have been obvious to one having ordinary skill in the art armed with said teachings to use such a belt in the teaching of Schoeninger.

The motivation being in order to allow for slippage between the belt and the rollers in order to prevent possible overloading of the drive motor.

With regards to claim 68, Muller sets forth three parallel rollers as claimed.

With regards to claim 69, Muller suggests an opening so that the rollers extend above the level of the floor as claimed (Fig. 2).

With regards to claim 70, Muller sets forth the roller assembly further comprising an arrangement of rollers mounted so as to underlie and support the upper surface of the endless belt as claimed (Fig. 2).

With regards to claim 71, Schoeninger suggest the two parallel rollers including a guide means for absorbing lateral forces as claimed (Fig. 11).

With regard to claims 73 and 74, Muller sets forth a freely rotatable support roller (7) mounted to the mounting frame so as to be positioned under the vehicle wheel.

But Muller fails to teach the roller being behind or in front of the wheel as claimed.

Nonetheless, it would have been obvious to one having ordinary skill in the art armed with said teaching to position the third roller of Muller in front of or behind the wheel.

The motivation being that regardless of the exact positioning, the third roller would still perform in the exact same function.

With regard to claims 75-77, the teaching combination of Schoeninger in view of Muller clearly suggests the claimed subject matter thereof.

CITED DOCUMENTS

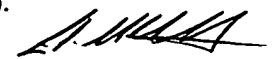
The Applicant's attention is directed to the enclosed "PTO-892" form for the prior art made of record at the time of this office action.

CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric S. McCall whose telephone number is (571) 272-2183.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Eric S. McCall
A.U. 2855

**ERIC S. McCALL
PRIMARY EXAMINER**